

**Notice of Allowability**

Application No.

10/522,532

Applicant(s)

IMAI ET AL.

Examiner

Art Unit

Sanza L. McClendon

1711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/7/2007.
2. ☒ The allowed claim(s) is/are 1-3,5-8,10-14,16-19 and 21-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>1/05</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material               | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

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## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Amendment received on May 7, 2007, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claim 4, 9, 15 and 20. The claim rejection under 35 U.S.C. § 112, 2nd paragraph for claim 5 has been overcome by the amendment and has hereby been withdrawn for consideration. The copies of the references cited on the PTO-1449 from January 27, 2005 are acknowledged. Please refer to the signed PTO-1449 attached.

### ***Response to Arguments***

2. Applicant's arguments, see Remarks/Amendment, filed May 7, 2007, with respect to claims 1-24 have been fully considered and are persuasive. The rejection of claims 1-24 under 35 USC 103(a) as being unpatentable over Herold et al (03/011925) in view of Toh et al (6,172,140) has been withdrawn. After reconsideration and relying on applicant's remarks, it is deemed that the combination of Herold et al and Toh et al do not define the instant invention. Herold et al fails to teach a bifunctional (meth) acrylic acid ester compound of instant formula (1) wherein the moieties Y1 or Y2 are each independently a poly (oxyalkylene) group with the proviso that at least one Y1 and Y2 is a poly (oxyalkylene) group having a hydroxy group. And Toh et al fails to overcome the deficiencies because Toh et al while teaching bifunctional (meth) acrylic acid ester compound that read on the instant formula (1) fails to teach bifunctional (meth) acrylic acid esters having poly (oxyalkylene) groups comprising hydroxyl groups. Therefore the instant inventions are distinguished over the prior art made of record.

### ***Allowable Subject Matter***

3. Claims 1-3, 5-8, 10-14, 16-19, and 21-24 are allowed.

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4. The following is an examiner's statement of reasons for allowance: The prior art, alone or in combination, fails to teach the instantly claimed composition nor does the prior art teach light-emitting elements, optical parts, and cured products from the instantly claimed composition.

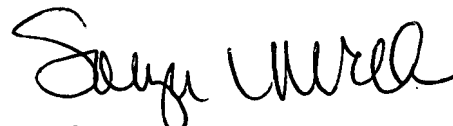
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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